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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,873

12/09/2003

John W. Matthews

SF-1

6841

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7590

04/05/2005

LANGLOTZ PATENT WORKS, INC.

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EXAMINER

HAN, JASON

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,873

Applicant(s)

MATTHEWS ET AL.

Examiner

Jason M. Han

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/9/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 1, Paragraph 2, Line 3: Grammatical error – “ultra violet” is one word;
 - b. Page 1, Paragraph 2, Line 4: Grammatical error – “wave length” is one word;
 - c. Page 2, Paragraph 5, Lines 3-4: “first one lamp” should be considered to reread “the first lamp” to ease readability;Appropriate correction is required.

Claim Objections

2. Applicant is advised that should Claim 15 be found allowable, Claim 16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Applicant has failed to provide further structural limitations to the claimed apparatus in which to base an appropriate prior art search.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Bruwer (U.S. Patent 6249089).

Bruwer discloses a flashlight/apparatus including:

- A light [Figure 1: (105); Column 6, Lines 41-43] with a variable light output level up to a maximum output level [Column 3, Lines 47-54];
- A switch [Figure 1: (102)];
- A power storage element [Figure 1: (101)];
- A dimmer facility [Column 3, Lines 41-43]; and
- An electronic controller [Figure 3: (103)].

Art Unit: 2875

7. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Yaeger (U.S. Publication 2002/0067611).

Yaeger discloses [Page 2. Paragraph 29] a portable illumination device/flashlight providing:

- A dimmed level at an output less than the maximum level [Lines 10-11 of Paragraph 29];
- Actuating a switch to an intermediate condition between a released position and fully actuated position [Lines 4-6 of Paragraph 29], which illuminates a light source at a dimmed level; and
- Actuating the switch at a fully actuated condition, which illuminates the light source at a maximum level (inherent at maximum intensity).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089).

9. With regards to Claim 1, Parsons discloses a flashlight including:

- A lamp [Figure 2: (321)];
- A power storage element [Figure 2: (214)];
- A switch [Figure 2: (640)]; and

Art Unit: 2875

- An elongated housing [Figure 2: (20, 30, 50)] having the lamp at a first end and the switch at an opposed second end, and including at least two independent electrical paths between the first and second ends [Figures 7-9; Column 8, Lines 27-53].

Parsons does not specifically teach an electronic controller, wherein the controller has a switch input connected to the switch, and whereby the controller is operable in response to the input to deliver power from the power storage element to the lamp.

Bruwer teaches, "The present invention, according to a still further embodiment, provides a flashlight comprising a light source, an energy storage means, a switch means, and a processor means [electronic controller]. The switch means being in communication with the processor means and the processor means being in communication with the energy storage means which is ultimately in communication with the light source. The processor controls the activation/deactivation of the light source and, in some embodiments, further functions of the flashlight, in response to signals received from the switch means [Column 5, Lines 3-12; underline added by examiner]."

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons to incorporate the controller of Bruwer in order to provide efficient, numerous, and intelligent functionality to the device, as well as an invention that "can be smaller, more reliable, less costly, easier to seal

Art Unit: 2875

and less vulnerable to the effects of corrosion and oxidation [see Bruwer: Column 3, Lines 27-45].”

10. With regards to Claim 2, Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Bruwer teaches the switch [Figure 1: (102)] being connected directly to the switch input [Figure 1: (103); Column 6, Lines 19-24].

11. With regards to Claim 3, Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Bruwer teaches the controller [Figure 1: (103)], lamp [Figure 1: (105); Column 6, Lines 41-43], and power storage element [Figure 1: (101)] being connected to each other via a power circuit bypassing the switch [Figure 3: (102)].

12. With regards to Claims 4, Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Bruwer teaches, “Moreover, since the switch is a solid state component, it is, according to the present invention, possible to control the functions of the device in an intelligent manner by the same microchip which provides the MMI function [Column 3, Lines 39-43].”

13. With regard to Claims 5-6, Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Parsons teaches, “With reference to FIGS. 7, 8, and 9, switch 536 is of a push-button type that is generally commercially available. Switch 536 is provided an actuator, preferably in the form of a plunger 570, and six electrical attachment pins 571-576 (not shown). Pins 571-576 are disposed for receipt, preferably by soldering, into holes 543-548, respectively. Switch 536 is characterized by at least two positions of plunger 570, which plunger positions define which of pins

Art Unit: 2875

571-576 are electrically interconnected within switch 536 [Column 8, Lines 27-35; underlines added by examiner for emphasis].”

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089) as applied to Claim 6 above, and further in view of Hauck (U.S. Patent 5790013).

Parsons in view of Bruwer discloses the claimed invention as cited above, but does not specifically teach the switch including at least a resistor and the electrical states including a plurality of different resistance values.

Hauck teaches an electronic novelty device including a microprocessor [Figure 6: (100)] and switches [Figure 6: (4-6)] further including a number of resistors, wherein electrical states for illumination devices [Figure 4: (7-9)] are determined by a plurality of different resistance values [Column 7, Lines 29-42].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons in view of Bruwer to incorporate the microprocessor with resistors of Huack in providing a simple and cheap means for determining a state of operation for the device. Such a configuration is a matter of design choice, whereby different operating parameters/independent variables/input (e.g., resistance) could be used in determining the state of operation/dependent variable/output for the device.

15. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089).

16. With regards to Claim 8, Parsons discloses a flashlight including:

- A lamp [Figure 2: (321)];
- A power storage element [Figure 2: (214)];
- A switch [Figure 2: (640)]; and
- The switch having a plurality of different electrical states in addition to an off state, wherein the electrical state is based on a degree of externally applied force [Column 8, Lines 27-53].

Parsons does not specifically teach an electronic controller, wherein the controller is connected to the lamp, power storage element, and switch, and where the switch is operable within a range of conditions and is operable to transmit an electrical state corresponding to a condition to the controller.

Bruwer teaches, "The present invention, according to a still further embodiment, provides a flashlight comprising a light source, an energy storage means, a switch means, and a processor means [electronic controller]. The switch means being in communication with the processor means and the processor means being in communication with the energy storage means which is ultimately in communication with the light source. The processor controls the activation/deactivation of the light source and, in some embodiments, further functions of the flashlight, in response to signals received from the switch means [Column 5, Lines 3-12; underline added by examiner]."

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons to incorporate the controller of Bruwer in order to provide efficient, numerous, and intelligent functionality to the device,

Art Unit: 2875

as well as an invention that “can be smaller, more reliable, less costly, easier to seal and less vulnerable to the effects of corrosion and oxidation [see Bruwer: Column 3, Lines 27-45].”

17. With regards to Claim 9, Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Parsons teaches, “With reference to FIGS. 7, 8, and 9, switch 536 is of a push-button type that is generally commercially available. Switch 536 is provided an actuator, preferably in the form of a plunger 570, and six electrical attachment pins 571-576 (not shown). Pins 571-576 are disposed for receipt, preferably by soldering, into holes 543-548, respectively. Switch 536 is characterized by at least two positions of plunger 570, which plunger positions define which of pins 571-576 are electrically interconnected within switch 536 [Column 8, Lines 27-35; underlines added by examiner for emphasis].”

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089) as applied to Claim 9 above, and further in view of Hauck (U.S. Patent 5790013).

Parsons in view of Bruwer discloses the claimed invention as cited above, but does not specifically teach the switch including a resistor network and the electrical states including a plurality of different resistance values.

Hauck teaches an electronic novelty device including a microprocessor [Figure 6: (100)] and switches [Figure 6: (4-6)] further including a number of resistors, wherein electrical states for illumination devices [Figure 4: (7-9)] are determined by a plurality of different resistance values [Column 7, Lines 29-42].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons in view of Bruwer to incorporate the microprocessor with resistors of Huack in providing a simple and cheap means for determining a state of operation for the device. Such a configuration is a matter of design choice, whereby different operating parameters/independent variables/input (e.g., resistance) could be used in determining the state of operation/dependent variable/output for the device.

19. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089).

Parsons discloses a flashlight including:

- A lamp [Figure 2: (321)];
- A power storage element [Figure 2: (214)]; and
- A switch [Figure 2: (640)].

Parsons does not specifically teach an electronic controller.

Bruwer teaches, "The present invention, according to a still further embodiment, provides a flashlight comprising a light source, an energy storage means, a switch means, and a processor means [electronic controller]. The switch means being in communication with the processor means and the processor means being in communication with the energy storage means which is ultimately in communication with the light source. The processor controls the activation/deactivation of the light source and, in some embodiments, further functions of the flashlight, in response to

Art Unit: 2875

signals received from the switch means [Column 5, Lines 3-12; underline added by examiner].”

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons to incorporate the controller of Bruwer in order to provide efficient, numerous, and intelligent functionality to the device, as well as an invention that “can be smaller, more reliable, less costly, easier to seal and less vulnerable to the effects of corrosion and oxidation [see Bruwer: Column 3, Lines 27-45].”

20. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (U.S. Patent 6296367) in view of Bruwer (U.S. Patent 6249089) as applied to Claim 11 above, and further in view of Hauck (U.S. Patent 5790013).

Parsons in view of Bruwer discloses the claimed invention as cited above. In addition, Parsons teaches a switch having a plurality of contacts, whereby different electrical states are determined by the degree of force applied to the switch [Column 8, Lines 27-53]. However, neither Parsons nor Bruwer specifically teaches the switch including an associated resistor connected to present a net resistance to the controller.

Hauck teaches an electronic novelty device including a microprocessor [Figure 6: (100)] and switches [Figure 6: (4-6)] further including a number of resistors, wherein electrical states for illumination devices [Figure 4: (7-9)] are determined by a plurality of different resistance values [Column 7, Lines 29-42].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Parsons in view of Bruwer to incorporate

Art Unit: 2875

the microprocessor with resistors of Huack in providing a simple and cheap means for determining a state of operation for the device. Such a configuration is a matter of design choice, whereby different operating parameters/independent variables/input (e.g., resistance) could be used in determining the state of operation/dependent variable/output for the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 5418433 to Nilssen;

US Patent 6024471 to McDermott;

US Patent 6046572 to Matthews et al;

US Patent 6474833 to Parsons et al;

US Patent 6616297 to Chen;

US Publication 2004/0008510 to Mah;

US Patent 6709129 to Galli.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (3/23/2005)


Stephen Husar
Primary Examiner